

Charter school law needs fix by Legislature

Yakima Herald-Republic Editorial Board

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The people behind Washington state's charter schools have vowed to keep them open for this school year, which is the least of what should happen in the wake of the state Supreme Court's ruling that the voter-approved setup is unconstitutional. From here, the Legislature should invoke its power to amend ballot initiatives and find a fix that resolves the legal questions.

A charter school is a public school that is open to all students but operates independently of school district management and administrative rules. The court, citing precedent in a 1909 ruling, by a 6-3 majority said the state's "common schools" fund can be spent only by locally elected school boards, not the appointed members of the Washington State Charter School Commission.

Whatever the merits of the constitutional case, the timing was terrible: The ruling was issued late in the afternoon on the Friday before Labor Day. Not only was the news diffused by holiday distractions, it came in early September — just as the state's students are anticipating and adjusting to a new school year. The timing does a serious disservice to the 1,200 students who are enrolled in the state's nine charter schools. None of the schools lies in the Yakima Valley; they are situated in Spokane, Tacoma, Kent, Highline and Seattle.

Thomas Franta, chief executive of the Washington State Charter School Association, said last week all nine schools will stay open, even if supporters must rely on private donations to come up with the estimated \$14 million.

Supporters are seeking solutions, and they have asked the office of Attorney General Bob Ferguson to explore options for keeping the schools open while the Legislature figures out how to fund them, whether in a special session or in the regular session that convenes in January. As for the accountability issue, one possible approach would be to place the charter schools under the oversight of local school boards, whose members are elected officials.

Washington historically has been conflicted about charter schools, which have found favor in more than 40 states and the District of Columbia. Starting in 1996, the state's voters rejected three charter school ballot measures before approving Initiative 1240 in 2012 with a narrow 50.7 percent yes vote. Initiative supporters no doubt realized this in spelling out a program that is limited in scope and does not disrupt the overall public school system.

Charters aren't a magic potion that will cure all what ails our schools, and poorly run charters have exacerbated problems in other states. But this state's limited program and strong oversight, as spelled out in I-1240, showed promise in finding creative ways to teach our students better.

Amid all the discussion about legal precedents and funding sources, it should ultimately be about the 1,200 students now enrolled in them. For the students' sake — and for potential students who in the future may find charters a better fit for how they learn — the Legislature now needs to figure out how to make the fledgling system work.

- *Members of the Yakima Herald-Republic editorial board are Sharon J. Prill, Bob Crider, Frank Purdy and Karen Troianello.*

- *This editorial has been updated to correct the name of the Washington State Charter School Association and the first name of its chief executive, Thomas Franta.*